

// A special meeting of the Council of the City of Lynchburg, recessed from March 4, was held on the 11th day of March, 2003, at 2:00 P.M., in the Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to continue staff presentations regarding the Proposed FY 2004 Budget. The following Members were present:

Present: Adams, Barksdale, Dodson, Garber, Seiffert, Hutcherson

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Absent: Foster

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// Council Member Foster joined the meeting at 2:10 p.m.

// Prior to the FY 2004 Budget presentations, City Manager Kimball Payne explained that Commonwealth Attorney William Petty was present to clarify any questions regarding his ruling last week that Council Member Foster's employment with the Alliance for Families and Children, which receives City funds, makes it a conflict of interest for her to vote on the City's FY 2004 Budget. Mr. Payne also presented a report which listed \$109,110 in funding that has been proposed for the Alliance in the FY 2004 Budget, through both allocations from the General Fund and grants. Mr. Petty stated that because the budget is approved by a single resolution, Council Member Foster would not be able to participate in crafting any of it as long as her employer receives money from any part of it. In response to Council questioning, Mr. Petty offered some options to address the situation, i.e., Ms. Foster could either end her employment with the Alliance or her service on City Council, Council could end all funding to the Alliance, or Council could vote to handle the Alliance's appropriations in a separate resolution. In response to questioning, City Attorney Walter Erwin stated that Council Member Foster could attend the budget sessions but could not participate in any of the discussions or deliberations. Council Member Foster wanted to go on record that she was not aware until Sunday evening that \$15,400 had been included in the Social Services budget for Partners for Prevention. Following discussion and in response to Council's request, Mr. Petty stated that he would prepare a list of four options that would allow Council Member Foster to participate in the majority of the budget process.

// Individual budget presentations were conducted, i.e., Circuit Court Clerk, Commonwealth Attorney, Sheriff, Police Department, Fire Department, Public Works, Human Services, Libraries and Museums, in addition to other funds, debt service and transfers.

// The meeting was adjourned at 4:45 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of March, 2003, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Barksdale gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the February 25 (two meetings) and March 4, 2003 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Financial Services - General, City Council Report #2 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote approved a request to realign two non-seasonal wage positions into one full-time classified position, as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Finance - General, City Council Report #3 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-041, as presented, authorizing the Billings and Collections Division to destroy paid real estate and personal property tax tickets for FY1996 and FY1997:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Library - General, City Council Report #4 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-042, as presented, appropriating \$500, fully reimbursable, for the purpose of supporting the Lynchburg Public Library's reading program, "Lynchburg Reads THE COLOR OF WATER":

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Sewers, City Council Report #5 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-043, as presented, authorizing the City Manager to execute a contract with J. L. Crawford & Sons, Inc. to construct the CSO Project entitled "Pigeon Creek Interceptor Phase IIA" located along Pigeon Creek between Reusens Road and VES Road:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #6 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-044, as presented, requesting the Virginia Department of Transportation (VDOT) to increase the lane mileage of roadways for street maintenance entitlement funds from the Commonwealth:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #7 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-045, as presented, appropriating \$200,000 for the purpose of obtaining and updating a water and sewer maintenance software application for the Geographic Information System:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #8 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-046, as presented, appropriating \$126,915 from auction proceeds to supplement the fleet replacement program:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police – Emergency Preparedness, City Council Report #9 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-047, as presented, appropriating \$56,563, fully reimbursable, for the funding of emergency response equipment:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, Mr. Sylvester Daughtry, Executive Director of the Commission on Accreditation for Law Enforcement Agencies, Inc., congratulated the Lynchburg Police Department on receiving re-accreditation for the fourth time, and presented them with a new Certificate of Accreditation. Following the presentations, and on motion of Council Member Seiffert, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-03-048, as presented, recognizing the Lynchburg Police Department for its re-accreditation from the Commission on Accreditation of Law Enforcement Agencies:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Taxes, City Council Report #11 regarding appropriating \$25,812 to refund overpayment of business license taxes by Phillips Staffing, Inc. was considered. Commissioner of Revenue Mitch Nuckles provided an overview of the request. On motion of Council Member Adams, seconded by

Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-049, as presented, appropriating \$25,812 to refund overpayment of business license taxes by Phillips Staffing, Inc. for calendar years 2000, 2001 and 2002:

Ayes: Adams, Barksdale, Foster, Garber, Seiffert, Hutcherson

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Noes: Dodson

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// In the matter of Community Planning – Community Development, a public hearing was held regarding City Council Report #12 regarding the 2003-2004 Community Development Block Grant (CDBG) and HOME Programs. Council Member Joan Foster stated that she would not participate in the discussion or award of CDBG funds because her employer, the Alliance for Families and Children, has submitted a request for CDBG funding. Nineteen (19) individuals spoke in support of the following projects: Ways to Work Program—Alliance for Families & Children (\$30,000); Re-installation of Building Elevator—Free Clinic of Central Virginia (\$79,200); Sponsored Admissions & Inside-Out Outreach Programs—Amazement Square, The Nightmare Children's Museum (\$15,000); Camp Kum-Ba-Yah Scholarship Assistance—Camp Kum-Ba-Yah, Inc. (\$27,500); YWCA Town Center Restoration—YWCA (\$10,000); YWCA Domestic Violence Prevention Center—YWCA (\$21,000); The Gateway—New Land Samaritan Inn (\$30,000); White Rock Hill After School Program—White Rock Hill Education Center (\$6,300); White Rock Hill Summer Enrichment Camp—White Rock Hill Education Center (\$7,000); Legacy Museum of African American History—The Legacy Project, Inc. (\$28,500); Enhancing Special Needs Housing Opportunities—Miriam's House (\$25,000); Rush Homes of Central Virginia—Rush Lifetime Homes (\$9,000); Lynchburg Community Loan Fund (\$55,000); Jubilee Occupational Outreach Program & Feeder Program—Jubilee Family Development Center (\$125,000); and Seeds For Life Housing Rehabilitation—Seeds for Life (\$167,000). A representative of the HOME Program recipients asked that the projects be funded as submitted. There was no one else present who wished to speak. Following the public hearing, Mayor Hutcherson announced that a work session regarding the 2003-2004 Community Development Block Grant (CDBG) and HOME Programs is scheduled for March 25.

// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #13 regarding introducing a Resolution authorizing the sale of a City owned parking lot at 1329 Commerce Street to Riverfront Development, LLC for \$25,200. Ms. Lynn Cunningham, representing the petitioner, stated that the purchaser of the property is in the process of changing its name to Bluffwalk Center, LP, and would ask that the resolution be amended to reflect the correct name of the purchaser. There was no one else present who wished to speak to this item. In response to Council questioning, City Attorney Walter Erwin stated that since the organization is still the same, and that the request only involves a name change, that City Council could go ahead and take action regarding this matter. City Manager Kimball Payne explained that if the Bluffwalk Project does not come to fruition, then the City would be allowed to repurchase the property. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-050, as amended, authorizing the sale of a City owned parking lot at 1329 Commerce Street to Bluffwalk Center, LP, for \$25,200:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of City Code/Public Works – Sewer - Water, a public hearing was held regarding City Council Report #14 regarding adoption of an Ordinance amending the City Code relating to Water and Sewer Rates (effective July 1, 2003) and Water and Sewer Connection Fees (effective January 1, 2004). Acting Utilities Director Tim Mitchell outlined the request. There was no one else present who wished to speak to this item. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #O-03-051, as presented, amending the City Code relating to Water and Sewer Rates (effective July 1, 2003) and Water and Sewer Connection Fees (effective January 1, 2004):

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of City Code, Mr. Michael Williams asked that the City Code be amended to require that the same rules apply to cats as they do to dogs, i.e., licensing, rabies shots, etc. Mr. Williams provided information regarding a recent incident at his home where stray cats tore a window screen, entered and damaged his basement. Mr. Williams went on to say that he did not receive any assistance from the Animal Warden on a previous incident, and that this time the Animal Warden did not return his call. Mr. Williams stated that the stray cats are becoming a real problem for him and his family. Mayor Hutcherson thanked Mr. Williams for bringing the matter to City Council's attention, and asked that staff look into the situation and provide a written report to Council members.

// In the matter of Public Works – Street Vacation, City Council Report #16 regarding vacating a portion of public right-of-way located on Florida Avenue was again considered. Ms. Tracey Norvelle, Hurt & Proffitt, Inc., representing the petitioners, stated that staff has been provided with a plat showing the remaining right-of-way as requested by the Technical Review Committee. City Manager Kimball Payne noted that the public hearing regarding the vacation request was held on February 11, and that staff has approved the plat submitted by the petitioners. On motion of Vice Mayor Dodson, seconded by Council Member Foster, Council by the following recorded vote adopted Ordinance #O-03-052, as presented, vacating a portion of public right-of-way located on Florida Avenue and approving the conveyance of any residual interest the City might have in this vacated right-of-way to James R. Nowlin, Sr., and Carentha Nowlin:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of Public Works - Sewer, City Council Report #17 regarding appropriating \$2,400 for sewer availability and connection fees to allow the connection of Sandusky to public sewer was considered. Council Member Seiffert stated that he would abstain from participation and voting on this item since he and his wife are members of the Sandusky Foundation. City Manager Kimball Payne outlined the request. Several Council Members commented that they would support the request since revenue in the form of sales, meals and lodging taxes, will more than offset the cost of the sewer connection. On motion of Vice Mayor Dodson, seconded by Council Member Foster, Council by the following recorded vote introduced

and laid over to a later meeting for final action Resolution #R-03-053, as presented, appropriating \$2,400 for sewer availability and connection fees to allow the connection of Sandusky to public sewer:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Hutcherson 6

Noes: 0

Abstention: Seiffert 1

// On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel about probable litigation because consultation in an open meeting would adversely affect the negotiating and litigating posture of the City pursuant to Section 2.2-3711(A)(7), Code of Virginia (1950), as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Barksdale made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Foster, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// Following the closed meeting, and on motion of Council Member Adams, seconded by Council Member Garber, Council by the following recorded vote authorized the City Attorney to settle the threatened lawsuit of Craig Morris vs. City of Lynchburg:

Ayes: Adams, Barksdale, Foster, Garber, Seiffert, Hutcherson 6

Noes: Dodson 1

// The meeting was recessed at 9:30 P.M. to March 25, at 11:30 A.M. to meet with the Industrial Development Authority at Riverviews Restaurant.

Clerk of Council